

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HAPTIC, INC.,

*Plaintiff,*

v.

APPLE INC.,

*Defendant.*

Civil Action No. 1-23-cv-01351-DII

JURY TRIAL REQUESTED

**SCHEDULING ORDER**

<b>Item</b>	<b>Haptic's Proposed Date</b>	<b>Apple's Proposed Date</b>
Plaintiff serves preliminary <sup>1</sup> infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.	<b>March 18, 2024</b>	<b>March 18, 2024</b>
The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the	<b>March 18, 2024</b>	<b>March 18, 2024</b>

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

Plaintiff shall be responsible for the timely submission of this and other Joint filings.		
Case Management Conference	<b>March 18, 2024</b>	<b>April 8, 2024</b>
Deadline to serve Initial Disclosures per Rule 26(a).	<b>March 18, 2024</b>	<b>March 18, 2024</b>
Fact Discovery opens. <sup>2</sup>	<b>March 18, 2024</b>	<b>1 business day after the claim construction order is issued</b>
Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).	<b>May 6, 2024</b>	<b>June 19, 2024</b>
Parties exchange claim terms for construction.	<b>May 20, 2024</b>	<b>July 31, 2024</b>
Parties exchange proposed claim constructions.	<b>June 3, 2024</b>	<b>August 21, 2024</b>
Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert	<b>June 10, 2024</b>	<b>August 28, 2024</b>

<sup>2</sup> The parties dispute when fact discovery should open. Haptic takes the position that fact discovery should open before *Markman*, while Apple takes the position that fact discovery should open after *Markman*. The deadline for the opening of fact discovery and initial disclosures has been repeated twice in this proposed scheduling order due to the parties' dispute and for ease of review.

identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>3</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.		
Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.	<b>June 17, 2024</b>	<b>September 4, 2024</b>
Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.	<b>June 24, 2024</b>	<b>September 11, 2024</b>
Plaintiff files Responsive claim construction brief.	<b>July 15, 2024</b>	<b>October 2, 2024</b>
Defendant files Reply claim construction brief.	<b>July 29, 2024</b>	<b>October 16, 2024</b>
Plaintiff files a Sur-Reply claim construction brief.	<b>August 12, 2024</b>	<b>October 30, 2024</b>
Parties submit Joint Claim Construction Statement.	<b>August 15, 2024</b>	<b>November 6, 2024</b>
Parties submit optional technical tutorials to the Court and technical adviser (if appointed).	<b>August 19, 2024</b>	<b>November 8, 2024</b>
<i>Markman</i> hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches. <sup>4</sup>	<b>August 26, 2024</b>	<b>November 13, 2024</b>
Fact Discovery opens.	<b>March 18, 2024</b>	<b>1 business day after the claim construction order is issued</b>

<sup>3</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

<sup>4</sup> All deadlines hereafter follow the original *Markman* hearing date and do not change if the Court delays the *Markman* hearing.

Parties submit a report on alternative dispute resolution in compliance with Local Rule CV-88.	<b>30 days after the claim construction order is issued</b>	<b>30 days after the claim construction order is issued</b>
Deadline to add parties.	<b>October 7, 2024</b>	<b>January 3, 2025</b>
Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.	<b>October 21, 2024</b>	<b>April 2, 2025</b>
Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)	<b>December 16, 2024</b>	<b>June 4, 2025</b>
Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.	<b>February 24, 2025</b>	<b>August 6, 2025</b>
Close of Fact Discovery.	<b>March 24, 2025</b>	<b>September 3, 2025</b>
Opening Expert Reports.	<b>March 31, 2025</b>	<b>September 17, 2025</b>
Rebuttal Expert Reports; Defendant serves final disclosure of non-infringing alternatives.	<b>April 28, 2025</b>	<b>October 15, 2025</b>
Close of Expert Discovery.	<b>May 19, 2025</b>	<b>November 5, 2025</b>
Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of	<b>May 26, 2025</b>	<b>November 12, 2025</b>

the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.		
Dispositive motion deadline and <i>Daubert</i> motion deadline.  Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, “Notice, Consent, And Reference Of A Civil Action To A Magistrate Judge.”	<b>June 2, 2025</b>	<b>November 19, 2025</b>
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).	<b>June 16, 2025</b>	<b>December 17, 2025</b>
Serve objections to pretrial disclosures/rebuttal disclosures.	<b>June 30, 2025</b>	<b>January 7, 2026</b>
Parties to jointly email the Court’s law clerk to confirm their pretrial conference and trial dates.	<b>June 30, 2025</b>	<b>January 7, 2026</b>
Serve objections to rebuttal disclosures; file motions <i>in limine</i> .	<b>July 7, 2025</b>	<b>January 14, 2026</b>
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions <i>in limine</i> .  From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.	<b>July 14, 2025</b>	<b>January 21, 2026</b>
File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested	<b>July 21, 2025</b>	<b>January 28, 2026</b>

for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter.  Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .		
Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .	<b>July 28, 2025</b>	<b>February 2, 2026</b>
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .	<b>July 30, 2025</b>	<b>February 4, 2026</b>
Final Pretrial Conference.	<b>August 4, 2025</b>	<b>February 11, 2026</b>
Jury Selection/Trial. <sup>5</sup>	<b>August 25, 2025</b>	<b>March 2, 2026</b>

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2024

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<sup>5</sup> If the actual trial date materially differs from the date set in this scheduling order, the Court will consider reasonable amendments to the case schedule post-*Markman* that are consistent with the Court's typical deadlines in light of the actual trial date.